

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

JOHN WARD, JR.

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v.

C.A. NO. 08-4022

CISCO SYSTEMS, INC.

JURY TRIAL DEMANDED

**CISCO SYSTEMS, INC.’S SUPPLEMENT TO ITS MOTION TO RECONSIDER THE  
COURT’S ORDER DENYING ITS MOTION TO DISMISS FOR IMPROPER VENUE,  
OR IN THE ALTERNATIVE, MOTION TO TRANSFER VENUE**

TO THE HONORABLE COURT:

Pursuant to Rule 60(b)(2) of the Federal Rules of Civil Procedure, Cisco Systems, Inc. (“Cisco”) files this Supplement to its Motion to Reconsider the Court’s Order Denying its Motion to Dismiss for Improper Venue, or in the Alternative, Motion to Transfer Venue (the “Motion”) based on newly discovered evidence that, with reasonable diligence, could not have been discovered at the time of the Court’s consideration of its Motion.

On October 27, 2008, Nicholas Patton, attorney of record in this lawsuit, entered an appearance for Eric Albritton in *Eric Albritton v. Cisco Systems, Inc. et al*, Cause No. 6:08-CV-89, pending in the United States District Court for the Eastern District of Texas—Tyler Division, an almost identical lawsuit regarding the same publication. (Exhibit A). Counsel for Defendant Cisco Systems, Inc. has been advised that Nicholas Patton is now the lead counsel for Eric Albritton, the plaintiff, in that action. As the Court is aware, Cisco raised the issue that Tyler would be a more convenient forum on the basis that the almost identical case is pending there and on the bases that the two cases could be consolidated, among other reasons. The fact that the plaintiffs in both cases are represented by the same counsel further demonstrates that Tyler is clearly a more convenient forum. For instance, discovery taken by Mr. Patton in the Albritton

lawsuit will be essentially identical as in this case and will subject witnesses and court resources to duplication.

WHEREFORE, PREMISES CONSIDERED, Cisco respectfully requests that the Court reconsider its ruling and that Cisco's Motion to Dismiss For Improper Venue, or in the Alternative, Motion to Transfer Venue be in all things granted; that this cause of action be transferred to the Tyler Division of the Eastern District of Texas; and that Cisco be granted such other relief, both at law and in equity, as the Court deems just and proper.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Charles L. Babcock

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ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

This is to certify that on this **29th** day of October, 2008, a true and correct copy of the foregoing Cisco Systems, Inc.'s Supplement to Its Motion to Dismiss for Improper Venue, or in the Alternative, Motion to Transfer Venue was served electronically, upon:

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/s/ Charles L. Babcock  
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